

JUN 20 2008

60,246-300; 10,831

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shah
Serial No.: 10/752,626
Filed: 1/7/2004
Art Unit: 3744
Examiner: Tanner, Harry B.
Title: Serial Communicating HVAC System

M/S After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

In response to the Supplemental Examiner's Answer mailed April 23, 2008, appellant now submits this concise reply.

Arguments With Regard to All Claims

All of the claims require there be an indoor unit having its own control, and that indoor unit providing a heating function. The examiner argues that the Kobayashi patent does include a heating element for heating air within an environment. As is clear from appellant's main brief, appellant does not claim to have invented the furnace, or other indoor heating unit.

Kobayashi does not include a control for the furnace as is required by the claims. This failure in the rejection alone overcomes all of the rejections.

Appellant has invented a system for communicating between the thermostat and each of the individual components, wherein fewer wires need be utilized. The prior art Kobayashi reference, at least with regard to its indoor unit, simply does not meet the claims. There is no control for any indoor HVAC unit which heats air.

JUN 20 2008

60,246-300; 10,831

The Examiner also argues that a damper provides a "heating function" by routing heated air. This is an unfair interpretation of the claims. A damper does not meet the limitations.

Arguments With Regard to Claim 2

Claim 2 requires that there be an outdoor HVAC unit provided with its own control. The examiner points to element 17d in Kobayashi, however, there is no disclosure of what element 17d is or does. Thus, the limitations of the claims that the outdoor HVAC unit is provided with its own control, are simply not met. At best, it appears element 17d communicates with a fan or a single heat exchanger, and does not control the overall unit. However, Kobayashi simply is a non-enabling disclosure with regard to the function and structure of element 17d.

Arguments With Regard to Claim 5

The examiner's problem with regard to claim 5 is that the claim requires an indoor peripheral unit hardwired to the indoor HVAC unit control, not just any control. The examiner argues that Kobayashi does disclose a sensor connected to a controller 104. However, controller 104 is not an "indoor HVAC unit control" as is required by claim 1. Kobayashi does not have an indoor HVAC unit control as required by claim 1.

Arguments With Regard to Claim 22

Here, the examiner merely repeats the arguments with regard to claim 1. This rejection should fail for the reasons mentioned in the main brief and for the reasons mentioned above with regard to claim 1.

Arguments With Regard to Claims 23, 25, and 27 Over Kobayashi, et al. and Official Notice

Again, the examiner points out that Kobayashi does disclose a furnace and/or a heater unit. Appellant does not disagree. However, this misses the point as mentioned above with regard to claims 1 or 22. Further, the Examiner's strained reliance on the damper as providing a "heating function" collapses as to the claims. The prior art does not show a furnace/heater unit control.

60,246-300; 10,831

Arguments With Regard to Claims 24, 26, 28 and 29 Over Kobayashi, et al. and Official Notice

Again, the examiner points out that Kobayashi does disclose an outdoor unit which is a heat pump. However, this misses the point as mentioned above with regard to claim 2, and as mentioned in the main brief.

Arguments With Regard to Claims 4, 10-11, 16-17, and 19-21

The examiner repeats arguments similar to those made with regard to claim 2. This rejection should be reversed for reasons as set forth in the main brief, and for the reasons set forth above with regard to claim 2.

Arguments With Regard to Claim 11

Claim 11 is improperly rejected for reasons similar to those mentioned above with regard to claim 5.

Arguments With Regard to Claim 16

Claim 16 requires that an HVAC unit control for the outdoor unit communicates serially through the indoor HVAC unit control. Again, Kobayashi lacks an indoor HVAC unit control, and thus cannot meet claim 16. The element the examiner is arguing is a control for the outdoor unit in Kobayashi, et al. does communicate with elements which would be "indoors," however, those elements do not properly meet the limitations required by the indoor HVAC unit control.

Arguments With Regard to Claims 3 and 12

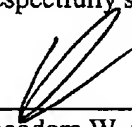
These claims are improperly rejected for reasons similar to those mentioned above with regard to claim 5.

60,246-300; 10,831

CLOSING

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Such action is earnestly solicited.

Respectfully submitted,

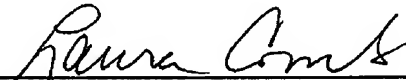


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on June 20, 2008.



Laura Combs